

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday,
September 20, 2021, 2021 at 6:30pm
Posted Monday, October 18, 2021, at 1:15PM**

*The meeting was called to order at 6:00pm. Present were Commissioners, Lynch, and Allen, Capt. Dennis Sullivan of the Fire Dept., Lt. Timothy Mitsakis of the Police Dept., Secretary to the Commission Lori Batzek, Retired City Clerk, John Long, Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 7:31pm*

A recording of this meeting available online

**Monday
September 20, 2021
6:00pm
Published Monday, September 13, 2021 at 4:40pm
REVISED PUBLISHED Thursday, September 16, 2021 AT 5:40pm**

Pursuant to Chapter 20 of the Acts of 2021, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/5170071217250865163> If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

COMMUNICATIONS

1. Minutes of the Regular Licensing Commission Meeting from 7/19/21

The commission approved these minutes on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

2. Minutes of the Special Licensing Commission Meeting from 8/2/21

The commission approved these minutes on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

3. Minutes of the Regular Licensing Commission Meeting from 8/16/21

The commission approved these minutes, to be updated, with the addition of the persons who requested the withdrawals for applications #4 & #15, on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

4. Minutes of the Special Licensing Commission Meeting from 9/2/21

The secretary stated these minutes are not yet completed.

The commission differed these minutes, until the next Licensing Commission Meeting, on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

5. Communication from the ABCC pertaining to a Notice of Violation Hearing on Wednesday, September 22, 2021 at 10:00AM (Continued from May 19, 2020) For: River Bar LLC d/b/a River Bar, 661 Assembly Avenue, Somerville, MA 02143, License #: 00162-RS-1130

Chairman Lynch questioned this address. The ABCC listed the address on the communication. The correct address should be 661 Assembly Row. The ABCC will notify the commission of this disposition of this hearing.

The commission made a note of this communication on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

6. Communication from the ABCC pertaining to a Notice of Violation Hearing on Wednesday, September 22, 2021 at 11:00AM (Continued from April 7, 2020) For: Earl's Restaurant (Somerville) Inc. d/b/a Earl's Kitchen & Bar, 698 Assembly Row, Store #102, Somerville, MA 02145, License #: 00164-RS-1130

The ABCC will notify the commission of this disposition of this hearing.

The commission made a note of this communication on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

PLEASE NOTE: *Chairman Lynch announced that the commission is down to 2 commissioners. If there is any variance in the voting, the item will not pass. Under Roberts Rules, a tie vote, is a NO vote.*

SPECIAL ALCOHOL LICENSES

7. Indignant Brewing Co. LLC d/b/a Winter Hill Brewing, 328 Broadway, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Gilman Square Neighborhood Association Block Party to be held Outdoors in a fenced in parking lot at Mad Oyster Studios (243 Pearl St.) on October 16, 2021 from 12:00pm to 6:00pm with a Rain Date of 10/17/21 (PEL21-000103)

Breck Bailey appeared for this application. He stated this is the 3rd year for this event. There will be live music in between Mad Oyster Studios and Sarma, the space is fenced in on 3 sides and will have good Alcohol control. Wristbands will be used, and all servers will be TIPS Certified. Sarma is a different lot.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

8. Warehouse XI, 11 Sanborn Ct., requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Crunchin at WXI to be held Indoors at Warehouse XI in the Catering room on October 3, 2021 & October 24, 2021 from 7:00pm to 10:00pm with Rain Dates of 10/2/21 & 10/23/21 (PEL21-000114)

Margaret Morrissey appeared for this application. Ms. Batzek stated the dates of the event and the rain dates seem to be switched Ms. Morrissey states the application states an incorrect event name, date and time. Ms. Morrissey stated that Kayla submitted the application incorrectly. The date should be October 3, 2021. There is no second date or raindate. The hours should be from 1pm – 4pm. The event name should be Brunching at the Warehouse. This is one big room, no Catering room at these premises. Tickets will be sold through Event Bright. Capacity is 150, but they will not be going above 70 due to Covid.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

9. PKL Boston LLC d/b/a PKL Boston– Dustin Martin requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for PKL Boston to be held Outdoors at 325-375 Assembly Row from September 29, 2021 to October 28, 2021 from 8:00am – 11:00pm.

(PEL21-0000119)

Anni Lierhaus appeared for this application. Chairman Lynch asked if there had been any issues from the previous licenses issued. Ms. Lierhaus stated there were not. Lt. Mitsakis stated there were no issues.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

10. Night Shift Brewing – Matt Eshelman, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Owl’s Nest at Assembly Row by Night Shift Brewing to be held Outdoors at 325-375 Assembly Row from September 29, 2021 to October 28, 2021 from 11:00am – 10:00pm
(PEL21-0000120)

Matt Eshelman appeared for this application. Mr. Eshelman stated there were no changes since the last application and no problems to his knowledge. Lt. Mitsakis confirmed this.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

TEMPORARY OUTDOOR SEATING
FOR SPECIAL ALCOHOL

- 10a. East Somerville Main Streets, 3 Glen St. requesting approval for Temporary Outdoor Public Seating on the side walk for a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages (approved on 8/16/21), for the Foodie Crawl 2021 to be held Outdoors in front of the establishments at Maya Sol, Casey’s, Fasika, Tapatio, Vinny’s, and Los Paisano’s
9/21/21 from 6:00pm – 10:00pm with a Rain date of 9/22/21
(PEL21-000083) – SPECIAL ALCOHOL LICENSE APPROVED 8/16/21
(ALM21-000072)

Chairman Lynch stated he was uncomfortable approving temporary seating for these businesses for parklet seating under a Special Alcohol License, in the public street, at the last Licensing Commission Meeting, and recommended the applicant reapply for Temporary Outdoor Seating.

Lindsay Allen appeared for this application. Ms. Allen stated they have changed the seating to the sidewalk instead of the street and worked with the Engineering Dept. on this seating. She also stated Fasika and Los Paisano will not participating. A discussion was held on whether a Police presence or detail was necessary. Ms. Batzek stated Scott Whalen signed off on this application for the Police Department, under an informational basis. Commissioner Allen stated both the City Engineer approved, with conditions, and ISD signed off on this application.

The commission approved these Temporary Outdoor Seating licenses for a Special Alcohol License. The businesses approved were: Maya Sol, Casey's, Tapatio, and Vinny's, however, Fasika and Los Paisano's were not approved (both were withdrawn by Lindsay Allen, with verbal notification at this meeting) on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

COMMON VICTUALLER

LICENSES

11. Managed Healthcare System
d/b/a Visiting Nurses at Highland Inc.
186 Highland Ave.
Brian K. Bishop
Hours of Operation: Sun. – Sat. 8:00am – 6:00pm
(AL21-000031)

Brian Bishop appeared for this application. Mr. Bishop stated they property manage the facilities for The Visiting Nurses Assc. at 186 and 190 Highland Ave. They also assist at the property on Lowell St. and Alewife. Managed Healthcare Systems is a new company managing Little Sisters of the Poor.

Chairman Lynch invited public comment.

The commission approved this Common Victualler License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

12. AEGJ, Inc
d/b/a Mama Gina's Pizzeria
19 Union Sq.
Thanas Gjerazi
Hours of Operation: Sun. – Sat. 11:00am – 11:00pm
*New Owner – Previous owner – AN, LLC - AL17-000206
(AL21-000032)

Thanas Gjerazi appeared for this application. Mr. Gjerazi previously owned Caprese Pizzeria and Grill on Medford St. in Magoun Sq., 6 years ago. He stated there will be 16-22 seats, and the tables will be 6 feet apart due to Covid. No changes are being made to the interior floor plan.

Chairman Lynch invited public comment.

The commission approved this Common Victualler License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

13. Aramark Corporation
d/b/a Aramark Services Inc,
399 Revolution Drive
Rosmery Melo
Hours of Operation: No Days listed, 6:00am – 4:30pm
(AL21-000033)

Rosemary Melo appeared for this application. Ms. Melo stated this will be for business dining. This business has been in operation since 2015 and Ms. Melo has just taken over as manager. They currently have limited service for a coffee shop. The Department of Health apprised this business in the summer that they need a Food License and 2 more Licenses, after they did an inspection. This is a separate license to what they previously had. This will be Food Service with Catering and cafeteria for the staff of Partners Health Care. Ms. Melo stated she has updated the hours of operation: The Days and Hours of Operation are Mon.-Fri. 6:00am-4:30pm

Chairman Lynch invited public comment.

The commission approved this Common Victualler License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

EXISTING ALCOHOL LICENSES

All Forms 7 Day Alcohol License **Enhancement Area – City Held License** **Alteration of Premises** **Change of Officers/Directors/LLC Managers** **Change of Ownership Interest**

- 13a. Bow Market Entertainment LLC d/b/a Bow Market 337 Somerville Ave. requesting approval for an Alteration of Premises to increase the indoor and outdoor seating, A Change of LLC Managers and A Change of Ownership to Add Zachary Baum (ALM21-000073)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Attorney Nick Zozula, Zachary Baum and Matthew Boyes Watson appeared for this application. Attorney Zozulla stated the change of ownership is adding Zachary Baum as 50% LLC member and owner, which was previously owned 100% by Matthew Boyes Watson. Zachary Baum is also being added as 50% LLC Manager, which was previously listed as Matthew Boyes Watson as 100% LLC Manager. Zachary Baum and Matthew Boyes Watson will be 50% LLC Managers and 50% Owners. There will be 3 changes to the alteration of premises. The 1st change would add 1 additional

licensed space, and sq. ft. on the 2nd floor, space #8 on the map, which is approx. 584 sq. ft., and the name would be changed to Vinal Index. This space would not have its own bar, and would be for consumption only and customers would be able to peruse and listen to albums as well. This space would be managed and operated, directly under Bow Market Entertainment LLC, the premises licensee. The 2nd change would be to add a bar and kitchen into the lobby space, which is already licensed, under #10 on the map, shaded in green. This space would be managed and operated, directly under Bow Market Entertainment LLC, the premises licensee. The 3rd change would be on the second fl., #6 on the map, previously called Bow Market Hall, and would be changing the name to Wild Child. This area has slightly changed, but nothing else has and it has not gotten larger. This area was previously licensed as well. This space would be managed and operated, directly under Bow Market Entertainment LLC, the premises licensee. Attorney Zozula stated the overall number and seats and occupancy has not changed since approval in 2020 and will remain 374 Seats Total and 484 Occupancy Total. Seats will be moved from the 1st floor to the 2nd floor. Attorney Zozula states none of these alterations will require a new Management Agreement. Commissioner Allen asked for a clarification of ownership and the impact on the Alcohol License. Ms. Batzek stated she believed a Purchase and Sale is required and had not received this yet. Mr. Baum stated this was submitted and uploaded in Citizen Serve on Friday. Chairman Lynch stated no complaints have been received. Chairman Lynch requested a clarification on Vinal Index. Mr. Baum stated this space would allow drinks to be brought in and be served drinks while perusing records and listening to music. Mr. Baum stated the alcohol would most likely come from the Comedy Studio, #7 on the map. Chairman Lynch asked if the customer would be allowed to carry their drink from the sub licensee, Comedy Studio, through a public space to Vinal Index. Mr. Baum confirmed this is a licensed space with seating and supervised. He also stated an attendant will be placed at the door of Vinal Index. Chairman Lynch asked if records would be sold, Mr. Baum stated they would, and Chairman Lynch stated this is basically a retail store. Commissioner Allen asked if a person could purchase a drink in the Comedy Studio and travel with it to Rebel Rebel. Mr. Baum stated this is currently allowed by their license, but is not something they support in their day to day operations. Mr. Baum stated this space is expanding into one of the adjacent store fronts. Commissioner Allen asked for clarification on the spaces and management of them, he also asked for clarification of the occupancy of the premises. Mr. Baum stated the seating being placed into space #10 (the lobby), is being under-utilized and they will be moving 19 seats from space #10 to space #8. Chairman Lynch asked for clarification of space #10 and adding a point of sale to this area. Mr. Baum stated patrons would be able to purchase food and alcohol from this new area, with a full kitchen and a small restaurant, this will be called The Eaves operated directly under Bow Market Entertainment. Chairman Lynch asked for clarification about space #6. Mr. Baum this space used to hold small events, however, this had to stop due to Covid. The name is being changed from Bow Market Hall to Wild Child. Chairman Lynch stated Wild Child and The Eaves are under currently under Bow Market Entertainment LLC license. He also asked if they were hoping that the alcohol being served by the Comedy Studio is the alcohol that will be consumed in Vinal Index. Mr. Baum stated yes, and that Bow Market Entertainment controls the service and security management of this premises. Chairman Lynch confirmed the total seats and occupancy and Bow Market

Entertainment will be responsible for any complaints. Lt. Mitsakis stated he had no concerns with traveling in the premises with alcohol, as long as they are not going out into the Union Sq. area. Capt. Sullivan stated he had no concerns or previous problems with this business. Commissioner Allen asked if there have been any instances of patrons being cut off at one venue and going to another and being served. Mr. Baum stated they used "Slack" to send the information to the manager and servers at the POS systems.

Chairman Lynch invited public comment.

The commission approved this Change of LLC Manager, Change of Ownership Interest and Alteration of Premises on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

ALL FORMS PACKAGE STORE

Privately Owned
CHANGE OF D/B/A

14. Starl Liquors Inc. d/b/a Sav-Mor Liquors, 325 Canal St. requesting approval of a Change of D/B/A from Sav-Mor Liquors to SAV-MOR SPIRITS
(ALM21000074)

Marcy Costa of McDermot, Quilty and Miller appeared for this application. Ms. Costa stated they appeared before the commission last month and this is simply a d/b/a change.

The commission approved this Change of D/B/A on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

All Forms 7 Day Restaurant
Assembly Sq. Area, City Held License
Change of Officer/Directors/LLC Manager
And Change of Manager

15. Earl's Restaurant (Somerville, MA) d/b/a Earl's Kitchen & Bar, 698 Assembly Row requesting a Change of Officer Directors from Gabriel Katsimpas to Kenneth Jimenez and a Change of Manager from Gabriel Katsimpas to Kenneth Jimenez
(ALM21000077)

Attorney Kristin Scanlon and Kenneth Jimenez appeared for this application. Mr. Jimenez is the new manager. Attorney Scanlon stated Mr. Jimenez has been with Earls since 2014 at several different locations in Miami and Virginia. He has also worked at

other restaurants, including The Pru in Boston and has 10 years experience in this field. He has experience with the rules and regulations in the state for alcohol service. Chairman Lynch asked if Mr. Jimenez was the manager of record for the above mentioned violation (communication #6). Attorney Scanlon stated he was not, and believes Mr. Katsimpas was the manager of record at that time.

The commission approved this Change of Directors and Change of Manager on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

LATE ITEMS

SPECIAL ALCOHOL

16. PKL Boston LLC d/b/a PKL Boston– Katie Coakley requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for PKL Boston & Owl's Nest Oktoberfest to be held Outdoors at Assembly Row, in a designated fenced in area at PKL and the designated area for Owls Nest on October 16, 2021 from 9:00am – 12:00pm.
(PEL21-0000128)

Anni Lierhaus appeared for this application. Ms. Lierhaus stated there will be live bands and alcohol will be served from PKL to the Greenway in between PKL and Owl's Nest. This is a one day event. Commissioner Allen asked if there have been any incidents that required a Police presence. Ms. Lierhaus stated they had not, and wristbands will also be required. She also estimated approximately 300 patrons throughout the day.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed